

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DARIO CORREA,)	CASE NO. 4:17-cv-180
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
RONALD ERDOS,)	
)	
RESPONDENT.)	
)	

Before the Court is the report and recommendation of Magistrate Judge Kathleen Burke, recommending that Dario Correa’s (“petitioner”) petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. (Doc. No. 13 (Report and Recommendation [“R&R”])).)

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

The failure to file written objections to the report and recommendation of a magistrate judge constitutes a waiver of a de novo determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Petitioner is not represented by counsel. The docket of this case reflects that a copy of the R&R, issued on October 25, 2017, was mailed to petitioner at his address of record the same day. As the docket reflects, that mailing was returned and received by the Court on November 6, 2017. (Doc. No. 14.) On November 6, 2017, the R&R was re-mailed to petitioner at his address of record, the Southern Ohio Correctional Facility.¹ (*Id.*) As of the date of this Memorandum Opinion, the re-mailed R&R has not been returned. The time period for filing objections, calculated from the date that the R&R was re-mailed to petitioner, has passed and no objection by petitioner has been received by the Court.

The Court has reviewed Magistrate Judge Burke's report and recommendation, and accepts and adopts the same. Accordingly, Correa's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is denied.

IT IS SO ORDERED.

Dated: December 14, 2017



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

¹ As of this date, the petitioner remains incarcerated at the Southern Ohio Correctional Facility.